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President: Mr. GANEV (Bulgaria)

- Question of the Comorian Island of Mayotte [23]

  (a) Report of the Secretary-General

  (b) Draft resolution

- Elections to fill vacancies in principal organs [15]

  (a) Election of five non-permanent Members of the Security Council

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The meeting was called to order at 3.35 p.m.

AGENDA ITEM 23

QUESTION OF THE COMORIAN ISLAND OF MAYOTTE

(a) REPORT OF THE SECRETARY-GENERAL (A/47/459)

(b) DRAFT RESOLUTION (A/47/L.10)

The PRESIDENT: I call on the representative of the Comoros, who will introduce draft resolution A/47/L.10 in the course of his statement.

Mr. MOUMIN (Comoros) (interpretation from French): For the seventeenth consecutive year the General Assembly has before it the question of the Comorian island of Mayotte. On this occasion may I express the great hope that the inclusion of this item on the agenda for debate brings to the Comorian Government and people. It reflects the determination of the Organisation to contribute, actively, to finding a solution to the problem of Mayotte. On the other hand this commitment is in keeping with the concern of the United Nations to uphold the principles of the Charter, especially respect for the sovereignty of States. In this connection we wish to express our deepest gratitude to the Secretary-General and the States Members of the Organisation.

In order to enlighten delegations, which are no doubt interested to learn of the origins of the Franco-Comorian dispute over the Comorian island of Mayotte, I shall briefly set out the background to this problem.

France, established in Mayotte since 1841, proclaimed the entire archipelago of the Comoros - consisting of four islands, Grande Comore, Anjouan, Mayotte and Mohéli - a French colony in 1912. Claimed since 1972 and

(Mr. Moumin, Comoros)

promised in 1973 following agreements signed on 15 June 1973, the decolonization of the archipelago was set in motion in 1974 with the act of 23 November of that same year. Article 1 of that act stipulates:

> "... the people of the Comoros shall be consulted by referendum on whether they wish to become independent or to remain within the French Republic." (A/47/459, para. 6)

To the clear question: "Do you wish the Territory of the Comoros to be independent?", the Comorian people, on 22 December 1974, responded in favour of independence by an overwhelming majority of 94.56 per cent.

Hence, what the Comorian people expected following this vote was the proclamation of the independence of the archipelago, with respect for its unity - a unity which is not simply an administrative convenience as some would believe. On the contrary, this unity is a fact of life, based on several elements that have fashioned the common history of the four islands of the archipelago - for example, the same religion, the same culture, the same language, and blood links, to cite only these factors.

In connection with that ballot of 22 December 1974, to the unpleasant surprise of the Comorian people, France recognized the independence of three islands and had in store a different fate for the island of Mayotte.

The justification given by France for this attitude was that the majority of the population of Mayotte had voted against independence. It should be recalled here that the act of 23 November 1974 on the organization of the referendum on self-determination in the Comoros stipulates, in Article 5, that

> "although ballots shall be counted on an island-by-island basis, only the overall results shall be published, and Parliament shall decide what action to take on the referendum within a period of six months." (A/47/459, para. 6)

(Mr. Moumin, Comoros)

In the face of this attitude - which disregards the fundamental rights and interests of the Comorian people to self-determination and to national unity in flagrant contradiction with the applied and applicable principles on decolonization - the Members of the Chamber of Deputies of the Comoros unanimously proclaimed the unilateral independence of the Federal Islamic Republic of the Comoros on 6 July 1975.

No one can fail to understand that our people should have been shocked, following the vote, to see France proceed on 3 July 1975 to pass another act calling into question the previous act on self-determination and seeking the holding of another referendum in which the voting this time would take place on an island-by-island basis.

Thus, France held two other referendums in Mayotte, on 8 February and 11 April 1976, referendums which have no validity internationally.

In reacting to that decision by France, our Organization, in General Assembly resolution 31/4 of 21 October 1976, considered these referendums null and void. With regard to the legal aspect, in order to justify its position, the French Government cited the last paragraph of Article 53 of the 1958 French Constitution, pursuant to which no transfer of territory is valid without the consent of the population concerned. Furthermore, this was upheld by a decision taken by the constitutional council in December 1973.

By declaring the act on the dismemberment of the Comoros to be in conformity with the Constitution the constitutional council of the French Republic thereby enshrined a concept of the right of peoples which disregards the principle of the indivisibility of colonial entities. Indeed, what we have here is an improper interpretation of the right of transfer - which, in any event, cannot be applicable to the case of Mayotte.

(Mr. Moumin, Comoros)

This Article 53 was not applicable to the case of the Comoros, since it was not a case of transfer of a territory to a State but, rather, purely and simply a case of accession to independence.

France thereby called into question the sacrosanct principle of the inviolability of borders inherited from colonization. This principle, which is also called the principle of uti possidetis, has become a universal custom codified by the charter on decolonization, in other words, the famous General Assembly resolution 1514 (XV) - the Declaration on the Granting of Independence to Colonial Countries and Peoples. Operative paragraph 6 of this Declaration stipulates:

> "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations." (resolution 1514 (XV)).

(Mr. Moumin, Comoros)

In terms of those provisions, France has violated the decolonization charter. Moreover, it has acted contrary to its own commitments, under the agreements of 15 June 1973.

Successive Governments in the Comoros would have preferred not to have to question France's good will in regard to finding a solution to this painful and regrettable problem. The problem is painful if we bear in mind the distress felt by a people unjustly divided at a time when it least expected to be so. The problem is regrettable when we know that the violation of the unity and territorial integrity of our country, which has affected us morally and in other ways, was the work of the one country with which the Comorian people was most familiar and on which it should have been able to count the most to defend its interests. It is that same country that since the beginning of this dispute has had the duty - as it has again today - to take the decision to put an end to the disarray experienced by the Comorian people for 17 years now.

But what have we seen since 1975? No concrete development in the problem of Mayotte. Nevertheless, the various statements made by the highest French authorities had always given us hope. They confirmed that France acknowledged the unity of our archipelago. Let us recall in this regard that in 1974 the then President of the French Republic stated the following regarding the question of Mayotte:

> "Would it be reasonable to imagine that a part of the archipelago [of the Comoros] might become independent and that one island, whatever the sympathy we might feel for its inhabitants, might retain a different status?

(Mr. Moumin, Comoros)

"I think we have to accept the facts: the Comoros are a unit and have always been a unit. It is natural that they should have a common future. Now that the Territory has become independent, we should not propose to shatter the unity of what has always been one Comorian archipelago."

In order to bring more clarity into our debate and to give the Assembly as much information as possible on this question, allow me to quote other statements by French authorities, among them that made on 26 August 1974 by the Secretary of State for Overseas Departments and Territories, who referred to the following three reasons that had led the French Government to opt for consulting the Comorian people as a whole on its self-determination:

"The first reason is a legal one because, pursuant to the rules of international law, a Territory shall retain the borders it had as a colony. Secondly, different types of status for the various islands of the archipelago would be inconceivable. Lastly, it is not France's mission to pit Comorians against each other."

The same French authority continued:

"France refuses to divide up the Comoros, which has the same population, the same Islamic religion, the same economic interests."

For his part, the current French President, Mr. François Mitterrand, during his visit to Moroni in June 1990, gave the following reply to his Comorian counterpart, Mr. Saïd Mohamed Djohar:

"We will talk about this, but I think we should now take steps to bring about ongoing communication and exchanges between the islands: Mayotte with the other islands and the other islands with Mayotte. There must no longer bo barriers - theoretical but impenetrable - between all Comorians, between you and the others.

(Mr. Moumin, Comoros)

"Is France helping you find your age-old solidarity? There are many forms of unity, believe me, and we are going to examine them."

We have been waiting 17 years - 17 years, during which the Comorian people, peaceful by nature, has put its trust in France and has given pride of place to dialogue.

The Comorian Government has always been prepared, and indeed remains prepared, to adopt any solution that, in compliance with international law, would put an end to the dispute between France and Comoros regarding the island of Mayotte.

In the struggle for the reintegration of the Comorian island of Mayotte into the Islamic Federal Republic of the Comoros, the people and the Government of Comoros draw their strength from the valuable support of the international community and of international and regional organizations, which have dealt with this question on a regular basis and have adopted during their meetings resolutions that reaffirm the sovereignty of our Republic over the Comorian island of Mayotte. That is irrefutable proof of the justice of our claims.

I could not conclude my statement without referring once again to the confidence we have in the Organization to guarantee to all peoples their inalienable rights, as well as international peace and security, which are indissoluble and indispensable building blocks of world peace.

(Mr. Moumin, Comoros)

Hence, once again we request the good offices of the United Nations to help us find a just and speedy solution, in conformity with the law, to the problem of Mayotte. The persistence of that problem can only have an adverse moral effect on our people - not to mention other problems it causes us.

The draft resolution submitted to the Assembly is in conformity with the recommendations of the Organization. We most earnestly hope the Assembly will adopt it.

I have the honour to announce that Mauritius, our neighbour and sister, has become a sponsor of the draft resolution that has been submitted to members in document A/47/L.10.

Mr. DANGUE REWAKA (Gabon) (interpretation from French): Once again, the General Assembly of our Organization has before it the question of the Comorian island of Mayotte. It is regrettable to note that the situation on the ground has hardly changed since the last time we discussed the question. The various resolutions adopted by the United Nations and such other organizations as the Organization of African Unity (OAU), the Organization of the Islamic Conference (OIC) and the Movement of the Non-Aligned Countries - resolutions that reaffirm the sovereignty of the Islamic Federal Republic of the Comoros over the Comorian island of Mayotte - remain a dead letter.

That is why Gabon, in its capacity as Chairman of the OAU Ad Hoc Committee of Seven on the Comorian Island of Mayotte, would like once again to appeal to the French Government to quicken the process of negotiation with the Comorian Government with a view to returning the island of Mayotte to the Comoros.

The French Head of State, President François Mitterrand, recognized during his official visit to the Comoros in June 1990 that it was necessary:

"To take a concrete and pragmatic approach to resolving this unpleasant dispute".

We hope that with the advent of a new era in international relations, the two parties will speedily find a satisfactory solution to this problem.

It is in that context that I should like, on behalf of the OAU Ad Hoc Committee on the Comorian Island of Mayotte, to request the General Assembly to adopt unanimously draft resolution A/47/L.10.

Mr. MERIMEE (France) (interpretation from French): France regrets that the situation of the island of Mayotte, a territory under French sovereignty, is once again being considered by the General Assembly. It cannot but take a stand against the draft resolution that has been submitted

(Mr. Mérimée, France)

to us under this agenda item. Nevertheless, my delegation has listened very attentively to the speakers who have addressed this issue. It would appear that everyone wants a just and lasting solution to be found. That is also France's position.

We have been involved in the active search for a satisfactory solution to the problem of Mayotte. In this spirit, France, through the President of the Republic, has stated its readiness to accept the terms of a solution to this question that respects its own national law and international law. Such a solution should also respect the will of the populations concerned. In that respect, the people of Mayotte freely and democratically expressed its wish to keep that territory within the French Republic.

The atmosphere of confidence that has been established between the Islamic Federal Republic of the Comoros and the French Government makes it possible to pursue constructive dialogue. This dialogue is based on the profound ties of friendship and cooperation that exist between our two countries.

We are convinced that this harmonization of views, pursued with a consistent desire for conciliation, calm and openness, can despite all difficulties make headway in the common search for an equitable solution. For its part, France will spare no effort in that direction.

The PRESIDENT: We have heard the last speaker in the debate on this item. The Assembly will now take a decision on the draft resolution contained in document A/47/L.10.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe

Against: France

Abstaining: Albania, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechoslovakia, Denmark, Dominica, Estonia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Lao People's Democratic Republic, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Slovenia, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

The draft resolution was adopted by 126 votes to 1, with 40 abstentions (resolution 47/9).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 23?

It was so decided.

AGENDA ITEM 15

ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS

(a) ELECTION OF FIVE NON-PERMANENT MEMBERS OF THE SECURITY COUNCIL

The PRESIDENT: The General Assembly will now proceed to the election of five non-permanent members of the Security Council to replace those members whose term of office expires on 31 December 1992.

The five outgoing members are: Austria, Belgium, Ecuador, India and Zimbabwe. These five States cannot be re-elected and therefore their names should not appear on the ballot papers.

Apart from the five permanent members, the Security Council will include in 1993 the following States: Cape Verde, Hungary, Japan, Morocco and Venezuela. The names of those States, therefore, should not appear on the ballot papers.

Of the five non-permanent members that will remain in office in 1993, three are from Africa and Asia, one is from Eastern Europe and one is from Latin America and the Caribbean. Consequently, pursuant to paragraph 3 of General Assembly resolution 1991 A (XVIII) of 17 December 1963, the five non-permanent members should be elected according to the following pattern: two from Africa and Asia, one from Latin America and the Caribbean, and two from Western European and other States. The ballot papers reflect this pattern. In accordance with the established practice, there is an understanding to the effect that, of the two States to be elected from Africa and Asia, one should be from Africa and one from Asia.

I should like to inform the Assembly that the candidates, not exceeding the number of seats to be filled, receiving the greatest number of votes and a two-thirds majority of those present and voting will be declared elected. In

(The President)

the case of a tie vote for the last seat, there will be a restricted ballot limited to those candidates that have obtained an equal number of votes.

May I take it that the General Assembly agrees to that procedure?

It was so decided.

The PRESIDENT: In accordance with rule 92 of the rules of procedure, the election shall be held by secret ballot, and there shall be no nominations.

I shall now call on those members who wish to speak before we proceed to the election.

I call first on the representative of Mauritania, as Chairman of the Group of African States.

Mr. OULD MOHAMED MAHMOUD (Mauritania) (interpretation from French): I am speaking, Sir, on behalf of the African Group to make your task at this meeting easier, and to make the task of all delegations easier.

Africa has no problem over this election; in fact, we have only one seat to fill, and the Organization of African Unity and the African Group at the United Nations recommend the Republic of Djibouti for that seat.

The PRESIDENT: I now call on the representative of Turkey, as Chairman of the Group of Asian States.

Mr. AKSIN (Turkey): I have the honour, on behalf of the Asian Group, to inform the General Assembly that the Asian Group has endorsed the candidacy of Pakistan for election to the Security Council.

The PRESIDENT: I call next on the representative of Uruguay, as Chairman of the Group of Latin America and Caribbean States.

Mr. PIRIZ BALLON (Uruguay) (interpretation from Spanish): As Chairman of the Group of Latin American and Caribbean States, I have the

(Mr. Piriz Ballon, Uruguay)

honour to inform the General Assembly that our Group has endorsed Brazil as the single candidate from the region for election to the Security Council. We recommend this candidacy to the General Assembly, convinced of the valuable contribution that Brazil, loyal to its tradition as a country that cherishes peace and law, will make to the Security Council.

The PRESIDENT: I now call on the representative of Denmark, as Chairman of the Group of Western European and Other States.

Mr. HAAKONSEN (Denmark): As Chairman of the Group of Western European and Other States for the month of October, I have the honour to announce the candidatures of the countries which are seeking election to the two seats on the Security Council allocated to the Group of Western European and Other States. They are New Zealand, Spain and Sweden.

The PRESIDENT: In accordance with the rules of procedure, we shall now proceed to the election by secret ballot, taking into account the statements made by the representatives of Mauritania, Turkey, Uruguay and Denmark.

Ballot papers marked A, B and C will now be distributed. I request representatives to use only those ballot papers and to write on them the names of the States for which they want to vote.

A ballot paper containing more names for the relevant region than the number of seats assigned to it will be declared invalid. Names of Member States on a ballot paper that do not belong to that region will not be counted at all.

At the invitation of the President, Mr. Momen (Bangladesh), Mr. Guerasimovich (Belarus) and Mr. El Amrani (Morocco) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 4.30 p.m. and resumed at 5.30 p.m.

The PRESIDENT: The result of the voting for the election of five non-permanent members of the Security Council is as follows:

GROUP A - AFRICAN AND ASIAN STATES

Number of ballot papers:	173
Number of invalid ballots:	0
Number of valid ballots:	173
Abstentions:	1
Number of Members voting:	172
Required two-thirds majority:	115
Number of votes obtained:	
Djibouti	170
Pakistan	161
Islamic Republic of Iran	1
Nigeria	1

GROUP B - LATIN AMERICAN AND CARIBBEAN STATES

Number of ballot papers:	173
Number of invalid ballots:	0
Number of valid ballots:	173
Abstentions:	5
Number of Members voting:	168
Required two-thirds majority:	112
Number of votes obtained:	
Brazil	168

GROUP C - WESTERN EUROPEAN AND OTHER STATES

Number of ballot papers:	173
Number of invalid ballots:	0
Number of valid ballots:	173
Abstentions:	0
Number of Members voting:	173
Required two-thirds majority:	116
Number of votes obtained:	
Spain	118
Sweden	109
New Zealand	108

Having obtained the required two-thirds majority, the following States were elected non-permanent members of the Security Council for a two-year period beginning on 1 January 1993: Brazil, Djibouti, Pakistan and Spain.

The PRESIDENT: I congratulate the States that have been elected non-permanent members of the Security Council.

(The President)

Since one seat remains to be filled from among the Western European and other States we shall proceed to the first restricted ballot. This second round of balloting will be restricted to two States, namely New Zealand and Sweden, which obtained the greatest number of votes in the previous ballot but were not elected.

This is in accordance with rule 94 of the rules of procedure.

The ballot papers will now be distributed.

May I ask representatives to write on the ballot papers the name of one State for which they wish to vote. Ballot papers containing the name of a State other than New Zealand or Sweden, and those containing more than one name, will be declared invalid.

At the invitation of the President, Mr. Momen (Bangladesh), Mr. Guerasimovich (Belarus) and Mr. El Amrani (Morocco) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 5.50 p.m. and resumed at 6.10 p.m.

The PRESIDENT: The result of the voting for the election of one non-permanent member of the Security Council is as follows:

Number of ballot papers:	173
Number of invalid ballots:	0
Number of valid ballots:	173
Abstentions:	0
Number of Members voting:	173
Required two-thirds majority:	116
Number of votes obtained:	
New Zealand	99
Sweden	74

The PRESIDENT: Since neither of the two States obtained the required two-thirds majority, and one seat still remains to be filled from among the Western European and Other States, we shall now proceed to the second restricted ballot. This third round of balloting will be restricted to the two Western European and Other States which were not elected but obtained the largest number of votes in the previous ballot - namely New Zealand and Sweden. This is in accordance with rule 94 of the rules of procedure.

The ballot papers will now be distributed.

May I ask representatives to write on the ballot papers the name of one State for which they wish to vote. Ballot papers containing the name of a State other than New Zealand or Sweden, as well as any containing more than one name, will be declared invalid.

At the invitation of the President, Mr. Momen (Bangladesh), Mr. Guerasimovich (Belarus) and Mr. El Amrani (Morocco) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 6.30 p.m. and resumed at 6.40 p.m.

The PRESIDENT: The result of the voting for the election of one non-permanent member of the Security Council is as follows:

Number of ballot papers:	172
Number of invalid ballots:	0
Number of valid ballots:	172
Abstentions:	0
Number of Members voting:	172
Required two-thirds majority:	115
Number of votes obtained:	
New Zealand	117
Sweden	55

New Zealand, having obtained the required two-thirds majority, was elected a member of the Security Council for a two-year period beginning on 1 January 1993.

The PRESIDENT: I congratulate the State which has been elected a non-permanent member of the Security Council, and I thank the tellers for their assistance in this election.

That concludes our consideration of sub-item (a) of agenda item 15.

The meeting rose at 6.45 p.m.